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EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *In the Matter of Developing a Unified Intercarrier Compensation Regime,*
CC Docket No. 01-92

Dear Ms. Dortch:

Qwest Communications International Inc. ("Qwest") hereby responds to the *ex parte* letter filed by CTIA – The Wireless Association@ ("CTIA") in this proceeding on April 3, 2007. In that letter, CTIA criticized Qwest's recent proposals contained in *ex partes*¹ and in reply comments² filed in this docket. As stated in those filings and in Qwest's comments on the Missoula Plan provisions regarding phantom traffic reform, Qwest continues to support immediate action by the Federal Communications Commission ("Commission") in the area of phantom traffic. Indeed, Qwest has consistently asked that the Commission take action consistent with Qwest's *ex partes* and comments on this subject³ and has opposed, among other things, the flawed Missoula Plan provisions on phantom traffic. On the other hand, Qwest also

¹ See Qwest *ex parte*, CC Docket No. 01-92, filed Mar. 16, 2007.

² See Reply Comments of Qwest Communications International Inc., CC Docket No. 01-92, filed Feb. 1, 2007 ("Qwest Reply Comments").

³ See, e.g., Qwest *ex partes*, CC Docket No. 01-92, filed Feb. 3, 2006 and Feb. 6, 2006.

believes that it has become clear that, if there is to be any meaningful reform in this proceeding in the near-term timeframe, the only viable approach at this time is for the Commission to act to address, on an interim basis, a handful of key issues underlying the intercarrier compensation debate.

Qwest continues to encourage the Commission to avoid implementing a new comprehensive reform plan on a piecemeal basis. However, the Commission can take additional interim steps within the context of the current regime to fix a limited number of fundamental issues that cause much of the current dysfunction. Specifically, as Qwest has previously detailed, the Commission can take important steps in this area by entering other interim rulings clarifying current law on wireless traffic and the intra-MTA rule and on transiting.⁴ Similarly, the Commission should also issue an interim order clarifying the intercarrier compensation issues arising from the mischaracterization of local traffic and the “Virtual NXX” (“VNXX”) issue and clarifying the proper interpretation of the enhanced service provider exemption.⁵ While falling short of the comprehensive reform that is needed, such an approach could result in meaningful reform and greatly reduce the amount of arbitrage while debate continues about a permanent, comprehensive intercarrier compensation reform plan. Contrary to CTIA’s suggestions in its April 3, 2007 *ex parte*, there is no inconsistency in Qwest’s advocacy on these issues. In particular, Qwest’s support of the original United States Telecom Association (“USTA”) Phantom Traffic Proposal, submitted in November 2005, has not wavered. Rather, it is the

⁴ Qwest Reply Comments at 4-16.

⁵ *Id.* at 18-21.

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proposal supported by USTA that has changed, and which Qwest cannot support.⁶ If the Commission were to consider adoption of the November 2005 proposal, Qwest would support such action, with the caveats it has previously noted.'

Please do not hesitate to contact either Ms. Melissa E. Newman at 202-429-3120 or the undersigned at the above contact information. This filing is being made electronically via ECFS pursuant to Commission rule 47 C.F.R. § 1.49(f).

Respectfully submitted,

/s/ Timothy M. Boucher

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⁶ See Letter from Verizon, AT&T, BellSouth, and Qwest to Marlene H. Dortch, Federal Communications Commission, CC Docket No. 01-92, filed Apr. 4, 2006.

⁷ See Letter from Melissa E. Newman, Qwest, to Marlene H. Dortch, Federal Communications Commission, CC Docket No. 01-92, filed Feb. 6, 2006; Letter from Timothy M. Boucher, Qwest, to Marlene H. Dortch, Federal Communications Commission, CC Docket No. 01-92, filed Mar. 23, 2006.